

DOMESTIC RELATIONS COMMITTEE

Meeting Minutes – July 11, 2003

Draft

PRESENT:

Hon. Karen Nygaard for Karen Adam
Hon. Mark Anderson, Co-Chair
Sidney Buckman
Kat Cooper
Frank Costanzo
Nancy Gray
William Hart

Hon. Karen Johnson, Co-Chair
Theresa Barrett for Janet Scheiderer
David Norton
Ellen Seaborne
Judy Walruff for Beth Rosenberg
Debbora Woods-Schmitt
Brian Yee

NOT PRESENT:

Rene Bartos
Beverly Frame
Terrill Haugen
Jennifer Jordan
Hon. Dale Nielson

Ella Maley
Kelly Spence
Steve Wolfson
Steve Phinney
Jeff Zimmerman

GUESTS:

Annalisa Alvrus
Tracey Landers
Therese Martin
Michael Durham
Liz Archuleta
Brandi Brown
Gary Krcmarik

AZ Protective Parents Network
Senate
Office of the Attorney General
2nd Spoken Voice
Coconino County Board of Supervisors
AZ Coalition Against Domestic Violence
Superior Court in Coconino County

STAFF:

Isabel Gillett
Marianne Hardy
Megan Hunter

Administrative Office of the Courts
House of Representatives
Administrative Office of the Courts

Sen. Anderson opened the meeting at 10:07 a.m. without a quorum present.

ANNOUNCEMENTS

Theresa Barrett, Administrative Office of the Courts, was introduced as Janet Scheiderer's designee; Hon. Karen Nygaard, Superior Court in Pima County, was introduced as Commissioner Karen Adam's designee.

CALL MEETING TO ORDER

Sen. Anderson called the meeting to order at 10:18 a.m. when a quorum was reached.

APPROVAL OF MINUTES

MOTION: Approve the minutes of the May 30, 2003 meeting as submitted. The motion was seconded. Approved unanimously.

"IN HARM'S WAY" REPORT

MARK FAULL

Mark Faull, Special Assistant County Attorney, Maricopa County Attorney's Office, provided an overview of the Arizona Voice For Crime Victims report entitled "In Harm's Way". Mr. Faull introduced Shawn Cox, the principal researcher on the project.

The report provides a policy overview of the legal and social systems that are established to protect children from criminal abuse and neglect. The report is based on the views of 163 professionals from the field. The report looked at two conflicting philosophies that have emerged from federal law: 1) protect the safety of children; and 2) preserve families through reunification.

Key recommendations made in the report include:

- Child safety – the Legislature should change the primary goal of CPS to child protection;
- Hold parents accountable and, when appropriate, be prosecuted for abuse or neglect;
- Establish a protocol as required standard so all cases would be handled competently;
- Separate CPS from DES and make them a direct report to the Governor.

"IMPROVING ARIZONA'S CHILD PROTECTION SYSTEM"

TRACY WAREING

Tracy Wareing, Policy Advisor for Children's Services, Office of the Governor, provided an overview of the Governor's Advisory Commission on Child Protective Services and Seven Subcommittees report entitled "Improving Arizona's Child Protection System – Report and Recommendations."

An Advisory Commission and seven subcommittees were formed by Governor Napolitano to review the entire child protection system. Each subcommittee had a

particular focus on one part of the system. The Commission met four times between January and June, 2003 and developed a list of final recommendations. The Governor plans to review the recommendations and determine which she believes are best for Arizona. She plans to hold public hearings to solicit public input.

Key recommendations made in the report include:

- Prevention of child abuse and neglect, as the first strategy toward effective protection.
- The role and mission of CPS, including statutory definitions related to child safety and child protection.
- The role of the community and diversity in child welfare and child protection, including elimination of cultural barriers.
- A structure for accountability for collaboration among government agencies serving children and families.
- Records and information, including appropriate sharing of records, public access to appropriate information, consideration of an expanded pilot to open CPS dependency hearings.
- CPS reports and investigations, including risk based investigations, multidisciplinary team approaches, joint investigations as appropriate with law enforcement, collaboration with mandatory professional reporters, and substantiation of allegations of child abuse/neglect.
- CPS response system, including development of a differential response system, and alternatives to current dependency processes.
- Health services delivery, including medical, behavioral, substance abuse and domestic violence services.
- Juvenile Justice and education reforms, including keeping a child in the same school and representation of a child in CPS with special education needs.
- CPS staff support, including better academic preparation, training, workloads, and salaries.
- Funding changes, including child support collections from parents with children in the juvenile justice or dependency systems, and better use of federal monies for children who need protection.
- Implementation of changes, based on outcomes, timelines, and accountability, with community participation.

INTEGRATED FAMILY COURT (IFC)

Ellen Seaborne introduced Gary Krcmarik, Court Administrator of Superior Court in Coconino County and Liz Archuleta, Board of Supervisors in Coconino County. Gary and Liz explained that the pilot project is proceeding while they search for grant funding. They may have to focus on funding the court through fees. A bill introduced this session (HB 2533) would make it more difficult for local counties to raise revenue through fees because a larger portion would have to be shared with the state. A trailer bill (HB 2541) was introduced in an attempt to 'fix' HB 2533, but it did not pass. The Coconino pilot has

strong interest from the Board of Supervisors. Coconino County is following the IFC plan as proposed by DRC as much as possible.

Maricopa County is continuing and expanding their pilot and utilizing as many features from the IFC plan as proposed by this Committee as possible. The project is housed at the Southeast facility with two judges having been cross-trained in juvenile, family and probate. They hope to expand to the new juvenile court building, possibly in March 2004. Phase II of the pilot will begin after the juvenile complex is finished. At that facility (Durango), judges will have mixed calendars and overlapping cases. They will stay on that assignment for three years. Durango will have six judges.

Pinal County's pilot project is also progressing. They have chosen Judge Figueroa as Presiding Judge of the Integrated Family Court. No funds to assist the project have been approved by the county to date. Their IFC plan does not look exactly like the DRC plan, but follows it to the extent possible.

The AOC has submitted a funding proposal for some funds for the IFC pilot projects for FY 05. By that time, results from existing pilots will be known.

CALL TO THE PUBLIC

Michael Durham, lobbyist from 2nd Spoken Voice, said he had been a caseworker and supervisor in the child protection system in the past. He provided a list of recommendations: 1) the need for a body of law in CPS cases; 2) CPS caseworkers and the courts should be co-located; 3) abandonment of certain legal terminology and associated expectations. He would like to see a law created that discusses custody of children, and definitions for 'services' and 'fixing families'.

BREAK/LUNCH

The meeting was called back to order at 1:38 p.m.

WORKGROUP REPORTS

Substantive Law – Ellen Seaborne for Jeff Zimmerman

The group discussed change to A.R.S. § 25-403(A). The central idea is that the court would be required to allocate parenting time and responsibilities between the parents or consider shared responsibility. They expect to have preliminary language ready by September or October.

Court Procedures – Brian Yee

The group continued their discussions regarding a dedicated family bench. Deborra Woods-Schmitt had five judicial officers in her court case. The group also discussed causes for dysfunction in the system such as a lack of standards, under funding and not enough resources. Judges Leonardo and Campbell,

Presiding Judges in Pima and Maricopa Counties respectively, will speak to the Domestic Relations Committee on this topic and perhaps on the topic of a free-standing family court in September. In the interim, members will draft a letter to be sent to the judicial selection committees to encourage selection of family law candidates in the judicial selection process.

Education/Prevention – Terrill Haugen

No report as the chairperson was absent. A report will be given next month.

CALL TO THE PUBLIC

Brandi Brown, Arizona Coalition Against Domestic Violence, addressed a privacy issue regarding accessibility to physical location information on parties in domestic relations cases in Maricopa County. On the Superior Court website, only case information is available; addresses are not listed. On the Clerk of Superior Court website, minute entries are available in PDF format, which means the actual document may be viewed. Minute entries contain the parties' names and for those who are self-represented, their addresses. Brandi mentioned that even sealed cases are available on this website.

Committee co-chairs assigned this issue to the Substantive Law and Court Procedures workgroups.

NEXT MEETING

The next meeting will be held on August 22, 2003, at the Arizona State Courts Building, 1501 W. Washington, Conference Room 345, Phoenix.

The topic will be false allegations in orders of protection. Steve Wolfson, Rep. Russell Pearce and a judicial officer will discuss this topic. Bill Hart will give a brief overview of the Arizona Coalition Against Domestic Violence's report on battered mothers.

ADJOURNMENT

Rep. Johnson adjourned the meeting at 2:00 p.m.